

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MAY LENG CHAN, MICHELLE CHAN,
JOHNNY SHIH and SUNNY WU, Individually,
and on behalf of others similarly situated.

Plaintiffs,

-v-

NEO SUSHI STUDIO, INC., AND VINH C. LY,

Defendants.

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NEO SUSHI STUDIO, INC. AND VINH C. LY,

Third Party Plaintiffs,

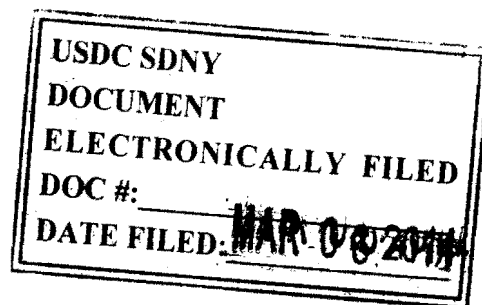
-v-

KWO SHIN CHANG, STEVEN WONG,

Third Party Defendants.
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Docket No: 1:12-cv-4505-KBF

**JUDGMENT FOR ATTORNEYS'
FEES AND SANCTIONS IN FAVOR OF
PLAINTIFFS AGAINST DEFENDANTS
AND IN FAVOR OF THIRD PARTY
DEFENDANTS AGAINST
THIRD PARTY PLAINTIFFS**



WHEREAS, this action was originally filed on June 8, 2012, with Third Party Defendants KWO SHIN CHANG ("CHANG") and STEVEN WONG ("WONG"), as Plaintiffs, and

WHEREAS Defendants NEO SUSHI STUDIO, INC., and VINH C. LY ("LY"), by their attorney MICHAEL K. CHONG, ESQ., originally asserted counterclaims against CHANG and WONG for, inter alia, breach of an alleged partnership agreement between and among LY, CHANG and WONG, as well as fraud, and

WHEREAS, on October 5, 2012, Plaintiffs filed an amended complaint in which CHANG and WONG withdrew as Plaintiffs, and

WHEREAS, on January 12, 2013, Defendants NEO SUSHI STUDIO, INC. and LY, by their attorney MICHAEL K. CHONG, ESQ., filed their Answer to Second Amended Complaint with Affirmative Defenses and Third Party Complaint, with NEO SUSHI STUDIO, INC. and LY as Third Party Plaintiffs asserting the same claims against CHANG and WONG as Third Party Defendants that had been previously asserted against CHANG and WONG as Counterclaims, and

WHEREAS, on February 20, 2013, CHANG and WONG appeared in this action as Third Party Defendants by their attorney MORTON S. MINSLEY, ESQ., by Notice of Appearance filed with the Clerk of the Court, and

WHEREAS, on March 15, 2013, Third Party Defendants CHANG and WONG, by their attorney, MORTON S. MINSLEY, ESQ., filed their answer to the Third Party Complaint, and

WHEREAS, on June 10, 11, 12 and 13, 2013, as well as June 26, 2013 and August 6, 2013, this action was tried by this Court without a jury before the Hon. Katherine B. Forrest, United States District Judge, and

WHEREAS, on August 6, 2013, the Court, by Judge Forrest, rendered its verdict, directing, inter alia, entry of judgment against Third Party Plaintiffs NEO SUSHI STUDIO, INC. and LY and in favor of Third Party Defendants CHANG and WONG, dismissing the third party claims in this action, and

WHEREAS, on August 9, 2013, Judgment of this Court, by the Hon. Katherine B. Forrest, US District Judge, was entered in favor of Third-Party Defendants KWO SHIN CHANG and STEVEN WONG and against Third-Party Plaintiffs NEO SUSHI STUDIO INC. and VINH C. LY, dismissing the Third-Party Complaint with prejudice, and

WHEREAS, the Court also entered judgment on August 9, 2013 against Defendants NEO SUSHI STUDIO INC. and VINH C. LY in favor of Plaintiffs MAY LENG CHAN and MICHELE CHAN in the amount of \$78,871.98, which included liquidated damages under the Fair Labor Standards Act, 29 U.S.C. § 216, and the New York Labor Law §§ 663 and 198, and

WHEREAS, on September 11, 2013, Plaintiffs MAY LENG CHAN and MICHELE CHAN moved for attorneys' fees of \$132,935.00 and costs of \$9,047.08 under the Fair Labor Standards Act, 29 U.S.C. § 216, and the New York Labor Law §§ 663 and 198, and

WHEREAS, on September 24, 2013, Third Party Defendants CHANG and WONG, by their attorney, MORTON S. MINSLEY, ESQ., moved for attorneys fees, costs and sanctions in the amount of \$42,678.32 against Third Party Plaintiffs NEO SUSHI STUDIO INC. and VINH C. LY, as well as their attorney, MICHAEL K. CHONG, ESQ., pursuant to Federal Rule of Civil Procedure 11, 28 USC § 1927, and the inherent power of the Court, and Third Party Plaintiffs having opposed this motion on October 22, 2013, and Third Party Defendants having made an additional reply submission on November 4, 2013, and

WHEREAS, the Court entered a supplemental judgment on November 20, 2013 against Defendants NEO SUSHI STUDIO INC. and VINH C. LY in favor of Plaintiffs MAY LENG CHAN and MICHELE CHAN increasing the amount awarded Plaintiffs from Defendants to \$89,093.94, which included liquidated damages under the Fair Labor Standards Act, 29 U.S.C. § 216, and the New York Labor Law §§ 663 and 198, and

WHEREAS, on December 26, 2013, Plaintiffs' counsel notified the Court that Defendant and Third Party Plaintiff LY, as sole owner of Defendant and Third Party Plaintiff NEO SUSHI STUDIO, INC. had filed a Chapter 7 Bankruptcy Petition in the United States Bankruptcy Court for the Eastern District of New York, and

WHEREAS, on February 4, 2014, Plaintiffs' counsel provided the Court with a copy of a consent order, of the Hon. Carla E. Craig, US Bankruptcy Judge, dated January 29, 2014, partially lifting the automatic stay imposed by 11 USC § 362 (a) so this Court could decide the pending motions for attorneys fees and costs, and, to the extent granted, judgment could be entered on the Court's docket for the amount decided, and

WHEREAS on February 14, 2014, this Court, by the Hon. Katherine B. Forrest, US District Judge, issued and entered an order, inter alia, granting Third Party Defendants' motion for attorneys' fees in the amount of \$42,678.32 against Third Party Plaintiffs VINH C. LY and NEO SUSHI STUDIO, INC. pursuant to the inherent power of the Court, and against Third Party Plaintiffs' Counsel MICHAEL K. CHONG, ESQ., pursuant to FRCP Rule 11, 28 USC § 1927, and the inherent power of the Court, and

WHEREAS on February 14, 2014, this Court, by the Hon. Katherine B. Forrest, US District Judge, issued and entered an order, inter alia, granting Plaintiffs MICHELE CHAN and MAY LENG CHAN's motion for attorneys' fees in the amount of \$132,935.00 and costs of \$9,047.08 against both Defendants VINH C. LY and NEO SUSHI STUDIO, INC.,

NOW, Pursuant to Rule 58 of the Federal Rules of Civil Procedure, it is hereby:

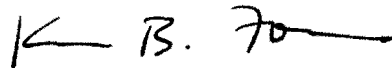
ORDERED and ADJUDGED that judgment is hereby entered in favor of THIRD PARTY DEFENDANTS KWO SHIN CHANG, residing at 3830 Parsons Boulevard,

Apt. 6L, Flushing, NY 11354, and STEVEN WONG, residing at 47 Lori Street, Monroe, New Jersey 08831, in the amount of \$42,678.32, jointly and severally against Defendants NEO SUSHI STUDIO, INC., 1410 1st Avenue, New York, New York 10021 and Vinh C. Ly, a/k/a Vinh Chi Ly, residing at 1915 W. 12th Street, Brooklyn, New York 11223, and against Michael K. Chong and/or Michael K. Chong, LLC, 300 Hudson Street, Suite 10, Hoboken, NJ 07024, and

ORDERED and ADJUDGED that judgment is hereby entered in favor of MICHELE CHAN and MAY LENG CHAN in the amount of \$141,982.08, in addition to judgment for \$89,093.94 previously awarded, for a total of \$231,076.02 due and owing Plaintiffs from Defendants jointly and severally against Defendants NEO SUSHI STUDIO, INC., 1410 1st Avenue, New York, New York 10021 and VINH C. LY, a/k/a VINH CHI LY, residing at 1915 W. 12th Street, Brooklyn, New York 11223, and

IT IS FURTHER ORDERED and ADJUDGED that the Clerk of the Court is hereby directed to enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure as set forth above.

March 6, 2014
Dated: ~~February 27, 2014~~
New York, New York



Hon. Katherine B. Forrest
United States District Judge